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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,162

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Brian N. Tufte

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EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,162	Applicant(s) TUFTE, BRIAN N.	
	Examiner Guiyoung Lee	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-21,23,24 and 26-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 13-21,23,26 and 31-35 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☒ Claim(s) 7 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the Amendment filed 24 May 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagano (USPT 5,430,627).
4. Re claim 1: Nagano discloses a lighting apparatus for receiving an elongated light source (62 in Fig. 9), an elongated member (11 in Fig. 2) including a first material (43) and a second material (13, 15, 19, 41 in Fig. 3 and col. 3, lines 11-13), the first material being at least semi-transparent (col. 3, line 43) and the second material (vinyl material in col. 3, lines 11-13) being substantially non-transparent, the elongated member having a cavity (29 in Fig. 3) for receiving the elongated light source, the cavity being at least partially defined by at least a portion of the first material (43) that extends from the cavity (29) to two or more separate outer surface regions (13, 19, 31, 41 and 15 in Fig. 3) of the elongated member (11), wherein at least part of the outer surface (31) between the two or more separate regions is substantially non-transparent (vinyl material of 31 is non-transparent).

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5. Re claims 2-3: Nagano disclose that the cavity (29) is partially defined by a portion of the second material and the second material I partially reflective (vinyl material is partially reflective).
6. Re claim 4: Nagano's cavity (29) is shaped to help reflect light toward the first material.
7. Re claim 6: Nagano's first material (43) is shaped as a lens.
8. Re claim 10: Nagano's first material and second material are formed separately and subsequently secured together (See Fig. 3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano (USPT 5,430,627). The teachings of Nagano have been discussed above.
Re claims 9, 27, and 30: Nagano does not disclose that the first material and the second material are integrally formed in a single piece. However, Nagano teaches that the entire lens cover 245 which is first material is single vinyl extrusion with side walls 251, 252 and top surface 248 being of a translucent material and the shield 249 being of an opaque black material (col. 5, lines 25-28). It would have been obvious to one having ordinary skill in the art at the time of the invention to make Nagano's first material and second material in a single piece by co-extruding in order to simplify manufacturing process.

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Re claim 28: Nagano discloses that the elongated member further defining a slot 39 in Fig. 3).

Re claim 29: Nagano's first material and second material are formed separately and subsequently secured together (See Fig. 3).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Hoffman in view of Santosuosso et al. (USPT 5,902,034).

Re claim 5: Nagano does not disclose that the shaped surface is parabolic in shape. However, Santosuosso teaches parabolic reflector (col. 6, lines 47-48). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Nagano's cavity into a parabolic shape in order to direct light to the first material more efficiently.

12. Claims 11-12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano in view of Daniel (USPT 4,234,907) and Feldman et al. (USPT 5,753,381).

Re claims 11-12 and 24: Nagano does not disclose that the light source is an eletro-luminescent wire, a linear emitting fiber or glow-in-the-dark material. However, Daniel and Feldman teach a linear emitting fiber and glow-in-the-dark material as a light source. It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Nagano's light source with an electroluminescent wire, a linear emitting fiber or glow-in-the-dark material as Daniel and Feldman disclosed because an electroluminescent wire, linear emitting fiber or glow-in-the-dark material could be used as a linear light source.

Allowable Subject Matter

13. Claims 13-21, 23, 26, and 31-35 are allowed.
14. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 1-7, 9-12, 24, and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



ALAN CARIASO
PRIMARY EXAMINER